

ACTS
PASSED AT THE
FIRST SESSION
OF THE
FIRST GENERAL ASSEMBLY,
OF THE
ALABAMA TERRITORY:
IN THE FORTY SECOND YEAR
OF
AMERICAN INDEPENDENCE.

ST. STEPHENS:

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1818.

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T L. COLE, WASHINGTON, D.C.
July, 1912

ACTS &c.

AN ACT

To amend the laws concerning Public Printing.

Sec. 1 . Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That, hereafter, instead of seventy-five, it shall be the duty of the Public Printer to print one hundred and fifty copies of the Journals of the House of Representatives.

Printer to
print 150 copies of Journal of house Rep.

Sec. 2. And be it further enacted, That, in full compensation for all the duties required by law of the public printer, he shall be entitled to receive one dollar and twenty-five cents for each page contained in the copy of the laws, one copy of the journals of the House of Repre-

One dollar 25 cents per page
allowed the printer.

sentatives, and true copy of the journals of the Legislative Council.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES. TITUS,
President of the Legislative Council.
Approved, the 3d day of February,
1818.

W.M. W. BIBB.,

Governor of the Alabama Territory,

AN ACT

To amend the Laws now in force
respecting public roads.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,
That it shall hereafter be lawful for

Overseer to require all persons he deems it necessary, to require all to work on roads and every person, or persons residing within his precinct, and not exempted from such service by law, to work on said road ten days and no longer; except when bridges and

causeways may require repair, and in that case as long may be necessary or that purpose, not exceeding twenty days.

Sec. 2 And be it further enacted, that hereafter the overseer of any public road shall be liable to be fined on presentment, at the discretion of the Jury trying the same, if the road of which he is overseer shall have remained out of repair for the period, of twelve days at any one time, provided such overseer have any notice thereof.

Overseer liable
to fine.

Sec . 3. And be it further enacted, That hereafter when any delinquent shall be returned to a justice of the Peace, by the overseer of a public road, and it shall become necessary to issue process against such delinquent, such process shall be issued, and all further proceedings carried on in the name of the Territory ; and if the prosecution fail, the cost shall be adjudged as in other Territorial cases : and the court may, if cases. it appear that the return has been made, or the prosecution commenced by such overseer from malicious motives, tax him with cost.

Overseer to pay
cost in certain

30 feet allowed
for lanes

Sec. 4. And be it further enacted,
that all lanes which constitute a part
of any public road, shall be not less
than thirty feet in width.

GABRIEL MOORE,
Speaker of the House of Represen-
sentatives,

JAMES TITUS,
President of the Legislative coun-
cil.

APPROVED, the 4th of February, 1818,
Wm. W. BIBB
Governor of the Alabama Territory.

AN ACT

To abolish the right of survivor-
ship in all cases.

Right of survi-
vorship in local
representatives

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terr-
tory, in General Assembly convened,
That hereafter when two or more
persons hold an estate real or per-
sonal jointly, and one joint tenanat
dies before severance, his interest in
said joint estate shall not survive to
the remaining joint tenant, or joint
tenants, but shall descend to, and

be vested in, the heirs or other legal representatives of such deceased joint tenant, in the same manner as if his interest had been severed and ascertained.

GABRIEL MOORE,
Speaker of the House of Represen-

tives.

JAMES TITUS,
President of the Legislative Council

APPROVED, the 4th February, 1818

WM. W. BIBB.,
Governor of the Alabama Territory.

A N ACT

To divorce Elizabeth Bennett from
James Bennett, her husband.

Sec 1 Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Elizabeth ennet, be, and the is hereby divorced from the bonds of matrimony heretofore subsisting be.

Divorce

tween her and James Bennet, her husband.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council,
APPROVED, the 4th February, 1818.

WM. W. BIBB
Governor of the Alabama Territory.

AN ACT

To establish the counties of Cotaco
Lawrence and Franklin.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That all that tract of country lying west of the Cherokee boundary, fourth of Tennessee river, East of the western boundary line of Range numbered five, west of the basis Meridian of Madison County, produced, and north of the boundary line of Township numbered eight, from the Southern boundary of the State of Tennessee, shall hereafter form one

Boundaries of
Cotaco county

County, to be called and known by the name of Cotaco.

SEC 2. And be it further enacted, That all that tract of country, lying west of said county of Cotaco, fouth of Tennessee river, east of the western boundary line of range numbered nine, and north of the boundary line of township numbered eight, from the southern boundary, of the state of Tennessee, shall hereafter form one county, to be called and known by the name of Lawrence.

Boundaries
of Lawrence
county

Sec. 3. And be it further enacted, That all that tract of country, lying west of the said county of Lawrence, out of Tennessee river, and north of the boundary line of township numbered eight, from the southern boundary of the state of Tennessee, and east of the Chickasaw boundary line, shall hereafter form one county, to be called and known by the name of Franklin.

Boundaries
of Franklin

Sec. 4 And be it further enacted, That there shall be holden in and for said county of Cataco, in each year, a Superior Court of Law and Equity, on the third Mondays in February and August : and there shall be

Time of holding cases
in Cataco
county.

holding and for said county of Co-,
taco, a County Court, on the second
Mondays in March and September,
and an intermediate Court, on the
second Mondays in June and De-
cember.

Sec. 5 And be it further enacted,
That there shall be holders in and
for said county of Lawrence, in
each year, a Superior Court of Law
and Equity, on the fourth Mondays
in February & August ; & there shall
be holden in and for said county of
Lawrence, a County Court, on the
third Mondays in March and Sep-
tember, and an intermediate Court,
on the third Mondays in June and
December.

Sec. 6. And be it further enacted,
That there shall be holden in and
for said county of Franklin, in each
years a Superior Court of Law and
Equity, on the first Mondays in
March and September ; and there
shall be holden in and for said coun-
ty of Franklin, a county Court on
the fourth Mondays in March and
September, and an intermediate
Court on the fourth Mondays in
June and December.

Time of hol-
ding Courts
in Lawrence
County,

Time of hol-
ding Courts
in Franklin
County.

Sec. 7. And be it further enacted, that the said courts for the said county of Cotaco, shall, for the time being, be holden at the House of William Vaughn : the said courts in and for said county of Lawrence, shall for the time being, be holden at Melton's Bluff : and the said Courts in and for the said county of Franklin, shall, for the time being be holden at the House of Maj Neely, on lower Spring creek: Provided, that the said Courts, of the several counties aforesaid , respectively, may for the want of necessary buildings, adjourn to some more convenient place, contiguous to the places herein designated for holding the same.

Where held

Proviso,

Sec. 8. And be it further enacted, That the said Superior, County and Intermediate Courts, required to be holden in and for said counties of Cotaco, Lawrence and Franklin, shall have power to continue their sessions, respectively, at each term hereby authorised, fix judicial days and no longer.

Courts to
fix days and
no longer,

Sec. 9. And be it further enacted, That so much of the foregoing act

Time of taking effect,

as relates to the holding of Courts shall not take effect till the first day of June next.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

Approved----6th February, 1818.

W M. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To establish the Western and Southern boundaries of Madison County, and to establish the counties of Limestone and Lauderdale.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Madison County shall hereafter be bounded on the west by the western boundary line of Range, numbered two, west of the basis Meridian of said county, extending from the southern boundary of the State of Tennessee to the river of the

Western
boundary of
Madison
County

same name, and said count shall be bounded on the fouth, by said river.

Sec. 2. And be it further enacted, That all that tract of country lying west of the aforefaid county of Madison, north of Tennessee river, and east of the western, boundary line of Range numbered six, west of said basis Meridian, shall form one county, to be called and known day the name of Limestone.

Boundaries
of Limestone
County,

Sec. 3. And be it further enacted, What all that tract of country lying west of said county of Limestone, and north of Tennessee river, shall conlitude a county, to be called and known by the name of Lauderdale.

Boundaries
of Lauder-
dale County,

Sec. 4 And be it further enacted, That there may be holden in and for the said county of Limestone, in each year, a Superior court of Law and Equity, on the second Mondays in February and August ; and there shall be holden in and for the said county of Limestone a county Court, on the first Mondays in March and September; and an intermediate Court on the first Mondays in June and December.

Time of hol-
ding Courts
in Limestone
County.

Sec. 5. And be it further enacted,
That for the time being, the said
courts in and for the said county of
Limestone, shall be holden at the

Where held

house of George Wilder; and may
at the discretion of the said Courts,
respectively, for the want of ne-
cessary buildings, be adjourned to
some more convenient place conti-
guous thereto.

Sec. 6. And be it further enacted,
That there shall be holden in and
for the county of Lauderdale, in
each year, a Superior Courts on the
first Mondays in February and Au-
gust : and there shall be holden, in
for the said county of Lauder-
dale, in each year, a County Court,
on the fourth Mondays in January
and July, and an intermediate court,
on the fourth Mondays in April and
October.

Time of
holding
Courts in
the county
of Lauder-
dale,

Sec.7. And be it further enacted;
What, for the time being; the said
Courts in and for said county of
Lauderdale, shall be holden at the
house commonly called Col. Pulers
place, east of Cyprefs, and near that
creek ; and may, at the discretion of
said Courts, for want of necessary.

Where held

buildings, be adjourned to some convenient place contiguous thereto.

Sec. 8. And be it further enacted, That said Superior, County, and intermediate Courts, by this act required to be holden, in and for the said counties of Limestone and Lauderdale, have power to continue their sessions respectively, at each term, hereby authorifed, fix judicial days, and no longer.

Courts to sit
six days and
no longer

Sec. 9. And be it further enacted, That the uperior courts of Law and Equity, in and for the county of Madison shall hereafter be holden on the first Mondays in April and October ; the County Courts of said county, on the fourth Mondays in March and September, and the intermediate Courts of said county , on the fourth Mondays of June an December : Provided, that this section and such parts of the foregoing act as relates to the holding of Courts,

Time of
holding
Courts in
Madison
County.

Proviso,

shall not be in force, till the first day
of June next.

GABRIEL MOORE,
Speaker of the House of Represen-
tives.

JAMES TITUS,
President of the Legislative Coun-
cil.

APPROVED—6th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To establish the counties of Blount,
Tuskaloosa and Marengo.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,
That, hereafter, all that tract of
county lying west of the Cherokee
boundary, fourth of the boundary line
of township numbered eight, from
the southern boundary of the state
of Tennessee, bounded on the west by
the Sipsey fork, to its junction with
the Mulberry Fork of the Black
Warrior; from thence by the united

Boundaries
of the coun-
ty of Blount

stream, to its junction with the Locust fork of said river ; thence by said river, to a point opposite the southern extremity of Jones' Valley ; thence by a line drawn from said river, through the southern extremity of said Valley, to the main ridge dividing the waters of said river from those of Cahawba river; and bounded on the south and south-east by said ridge, to its eastern extremity; and from thence by a line running due east to said Cherokee boundary, shall form one county, to be called and known by the name of Blount.

Sec.2. And be further enacted, That all that tract of country, lying within the following bounds, to wit: beginning on the river Black Warrior, where the southern boundary line of said county of Blount leaves the same thence southwardly with said boundary, and on the same direction, to Roupes' Valley; thence along the eastern boundary of said Valley, and including the whole of of the same; thence southwardly along the main ridge dividing the waters of the Black Warrior from those

Boundaries
of Tuskaloo
sa County

of the Cahawba, to the head waters
 of Five Mile creek; thence down
 the fame to the Tuskaloosa on Black
 Warrior river; thence a due west
 course to, the Tombeckbe river ;
 thence up the same to the Cotton
 Gin Port ; thence along Gaine's
 road till it strikes the township line,
 numbered eight, from the southern
 boundary of the State of Tennes-
 see : thence along said line to the
 Sipsey fork ; and thence down the
 same to the place of beginning;
 shall constitute one county to be cal-
 led and known by the name of Tus-
 kaloosa.

Sec. 3. And be it further enacted,
 That all that tract of country, boun-
 ded on the north by said county of
 Tuskaloosa, on the west by the Tom-
 beckbe river, on the south by the-
 Boundaries
 of Marengo
 County ridge dividing the waters of Chicka-
 saw-Bogue and Beaver creek, and
 on the east by the main ridge divi-
 ding the waters of the Black Warri-
 or and Cahawba rivers, shall hereaf-
 ter constitute one county, to be call-
 ed and known by the name of Ma-
 rengo.

Sec. 4. And be it further enacted

That there shall be holden in and for the said county of Blount, in each year, a Superior Court of Law and Equity, on to third Mondays in March and September; and there shall be holden in and for said county of Blount, in each year, a County Court, on the second Mondays in March and September ; and are intermediate Court, on the second Mondays in June and December.

Time of hold-
ing Courts
in Blount
County

Sec. 5. And be it further enacted, That there shall be holden in and for the said county of Tuskaloosa, in each year, a Superior Court, on the fourth Mondays in March and September ; and there shall be holden in and for said county of Tuskaloosa, in each year, a County Court, on the third Mondays in March and September and an intermediate Court, on the third Mondays in June and December.

Time of hol-
ding Courts
in Tuskaloo
County

Sec. 6. And be further enacted, That there shall be holding in and for the said county of Marengo, in each year, a Superior Court, on the first Mondays in April and October; and there shall be holden in and for said county of Marengo, in each

Time of hol-
ding Courts
in Marengo
County

year, a County Court, on the fourth Mondays in March and September ; and an intermediate Court, on the fourth Mondays in June and December.

Sec. 7 . And be it further enacted, That, for the time being, the said Courts in and for said county of Blount, shall be holden at the house of Maj. Kelly, in Jones Valley ; the Said Courts in and for the said county of Tuskaloosa shall be holden at the Falls of Tuskaloosa or Black Warrior ; & the said Courts in & for the said county of Marengo, shall be holden at the White Bluff ; and said Courts may, respectively, for want of necessary buildings, adjourn to such other places, contiguous to those herein designated or holding the same, as may seem proper.

Where held

Courts to be held fix days and no longer

Sec. 8. And be it further enacted, That the said Superior, County and intermediate Courts, herein required to be holden, may, respectively, con-

tinue their sessions, fix judicial days,
and no longer.

GABRIEL MOORE.,

Speaker of the House of Represen-
tatives.

JAMES TITUS.

President of the Legislative Council

Approved --6th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To alter and extend the boundaries
of Washington, Baldwin and Mo-
bile Counties:

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,
That for much of Wayne County as
may be thrown into the Territory of
Alabama, by the line dividing said
Territory and the state of Mississip-
pi, be, and hereby is, added to, and
made a part of the county of Wash-
ington : that so much of the county
of Greene; as may, by said boundary
line, be thrown into the said Territo

Extension of
Washington
County

Extension of
Baldwin
County

ry, be, and the fame is hereby added to, and made a part of the county of Baldwin : and that so much of the county of Jackson as may be thrown into said territory by the boundary line aforesaid, be, and the fame is hereby added to, and made a part of the county of Mobile.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED-7th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To incorporate the President and Trustees of the St. Stephens Academy .

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, on General Assembly convened,

That the following persons, viz : Silas Dinsmoor, Samuel Smith, George Buchanan, Benjamin S. Smoot, Le-

Extension of
Mobile
County

Present trustees & their

muel J. Allston, Davis H. Mayhew
 Mathew D, Willson, and Abner S.
 Lipscomb, Trustees of the St. Ste-
 phens Academy, and their successors
 in office, are hereby constituted a bo-
 dy corporate, under the style and ti-
 tle of the President and Trustees of
 the St. Stephens Academy.

successors
 incorporated

Sec. 2. And be it further enacted,
 That the said President and Trustees,
 and their successors in office, shall
 have and exercise the authority to
 make all such bye laws, not contrary
 to the Constitution or laws of the
 United states, or of this Territory ;
 for the better regulation of the said
 Academy, and the same, from time
 to time, to alter, amend and annul,
 as to them may deem expedient; and
 be capable in law, of suing and being
 sued, of pleading & being impleaded,
 and shall be capable of holding pro-
 perty both real and personal, and of
 felling or aliening and conveying the
 same; and shall have and enjoy, all

Powers giv-
 en the Pres-
 sident and
 Trustees

the privileges and rights incident
 bodies corporate,
 GABRIEL MOORE,
 Speaker of the House of Representatives,
 JAMES TITUS,
 President of the Legislative Council.
 APPROVED—7th February, 1818,
 WM. W. BIBB,
 Governor of the Alabama Territory.

AN ACT

Authorising the taking the Census of
 the Alabama Territory.

Sec. 1 . Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That it shall be the duty of all the inhabitants of this Territory, being heads of families, and persons not belonging to any particular family, to render a true and faithful estimates to the Assessors of taxes in their respective Counties; such estimates from heads of white families to be on oath, and contain an enumeration of the whole number of inhabitants belonging to his or her family, making a correct distinction

Heads of
 white families to render
 a true account on
 oath

between the number of white males over twenty-one years of age, white males under twenty-one years of age; white females over twenty-one years, white females under twenty-one years ; the total of free people of color, Indians not taxed excepted, and the total of slaves.

Sec. 2. And be it further enacted, That it shall be the duty of the assessors of taxes in each and every county within this Territory, to claim and receive of all heads of families, and other persons as described in the preceding section, the estimate which they are therein required to furnish. The oath required of the heads of families as aforesaid, shall be administered by the said assessors in each respective county, and in form as follows, to wit: "You do solemnly swear (or affirm, as the case may be) that the estimate which you now render, contains a true and faithful enumeration of the number of inhabitants of which your family consists; with the proper distinction of sexes, age, and color, so help you God.

Duty of Assessors

Oath

Sec. 3. And be it further enacted,

Fifty dollars
fine for giv-
ing a false or
improper re-
turn

That if any person shall fail to make
a return of him or herself and family,
or any part thereof, being thereunto
requested by the said assessors, or
shall knowingly, make a false or im-
proper return, he or she shall be fined
its the sum of fifty dollars, to be re-
covered before any office of the
Peace or of the Quorum of the coun-
ty, one half thereof tea the use of the
informer, and the other half to be
paid into the county treasury.

Also subject
to pains
and penalties
against per-
jury

Sec. 4 And be it further enacted,
That in addition to the penalty pre-
scribed in the preceding section, if
any person shall, knowingly, make a
false or incorret return of his or her
family, as directed by this act, he or
she shall be liable to all the pains and
penalties provided by law against
perjury.

Sec 5. And be it further enacted,
That the following form shall be a-
dopted and used by each and every
assessor in this Territory, for the clas-
sification of the inhabitants thereof :

to be returned to me God; which said oath, subscribed and sworn to, shall be transmitted, together with a copy of said enumeration, agreeably to the foregoing form, to the Executive of this Territory, and also, another copy of the

enumeration, to form as aforefaid, to the speaker of the House of Representatives of this Territory, on or before the first day of the next session of the General Assembly ; and each and every assessor failing to comply with the requisitions of this act shall be fined to the sum of seven hundred and fifty dollars, reco-

Penalty for failure verable before any Court of competent jurisdiction, one half thereof to the use of the informer, and the other half to be paid into the Territorial Treasury.

Sec. 7. And be it further enacted; That each and every assessor in this Territory, shall be allowed as a compensation for taking the census in his county, one dollar and twenty-five cents for every hundred inhabitants ; and the Auditor is hereby required to issue his warrant on the Territorial Treasurer in favor of such assessor, for the same, upon the certificate

Compensation of Assessors

of the Governor, that a copy of such census is delivered to him, in which certificate the total of inhabitants in each county, shall be specified.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

APPROVED—9th February, 1818 .

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To establish the counties of Shelby and Cahawba.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That hereafter all that tract of country lying west of the Cherokee boundary line; south and east of the county of Blount, and north of a line to be drawn from west to east through of Shelby the Southern extremity, of the Cahawba Valley, from the eastern boundary of laid county of Blount,

Boundaries
County

to Coosa river, and thence a said river to where it is interfered by the said Cherokee boundary, shall constitute one county, to be called and known by the name of Shelby.

Sec. 2. And be it further enacted.

That hereafter, all that tract of country bounded on the north by the said county of Shelby ; on the west and south-west, by the county of Tuskaloosa ; on the south, by a line to be drawn from the head waters of

Boundaries of Cahawba County Five Mile Creek, to the upper end of the ridge dividing the waters of the Cahawba from those of Mulberry Creek ; thence by a direct line to the Coosa River, opposite the mouth, of Hatchet creek ; and on the east by Coosa River, shall form one county, to be called and known by the name of Cahawba.

Sec. 3 And be it further enacted,

That there shall be holden in and for said county of Shelby, in each year, a Superior Court of Law and Equity, on the first Mondays in May

Time of holding Courts in Shelby county and November; and, there shall be holden in and for the said county of Shelby , in each year, a County Court on the fourth Mondays in A-

pril and October, and an intermediate Court on the fourth Mondays in January and July.

Sec. 4. And be it further enacted, That there shall be holden, in and for the said county of Cahawba, in each year, a superior Court of Law and Equity, on the second Mondays in May and November; and there shall be holden in and for said county of Cahawba, in each year, a County Court, on the third Mondays in May and November, and an intermediate Court, on the third Mondays in February and August.

Time of holding courts
in Cahawba
county

Sec. 5. And be it, further enacted, That, for the time being, the said Courts for the said county of Shelby, shall be holden at the house of William S. Wallace; and the said Courts in and for the said county of Cahawba, shall be holden at the Falls of the Cahawba ; but the said Courts may, respectively, for want of necessary buildings at the several places herein designated for holding the same, adjourn to such other places, contiguous thereto, as may seem most proper.

Where held

Sec. 6. And be it further enacted,

Courts to six
days and no
longer

That the said Superior County, and
intermediate Courts herein required
to be holden, may, respectively, con-
tinue their sessions, six judicial days,
and no longer.

GABRIEL MOOR E,

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council.

APPROVED---7th February, 1818

WM. W. BIBB,

Governor of the Alabama Territory,

AN ACT

For the better regulation of judicial
proceedings.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentative of the Alabama Terri-
tory in General Assembly convened,

That every joint bond, covenant,
bill, promisory note, or judgment

Lawful to
Sue out pro
cess against
joint obligators

of any Court of record of any state
or Territory of the United States,
shall be deemed and construed to
have the same effect in law, as a joint
and several bond, covenant, bill, pro-
misory note or judgment ; and it
shall be lawful to sue out process

and proceed to judgment, against any one, or more of the obligors, covenanters, or drawers, of any such joint bond, covenant, bill or promissory note, or against any one or more, of the defendants to any such joins judgment.

Sec. 2. And be it further enacted, That whenever a writ shall issue, against two or more joint, or joint and federal, obligors, covenanters, or drawers of any such bond, covenant, bill, or promissory note, or against two, or more, of the defendants to any such joint judgment, it shall be lawful for the plaintiff, or his attorney, at any time after the return of said writ, or an alias writ to discontinue such action, against any one or more, of the defendants, on whom said writ, or alias writ, shall not have been executed; and proceed to judgment against any one, or more of said defendants, on whom said writ shall have been executed, or proceed to issue an alias or plurius writ, at his election.

Plaintiff
may discontinue suit against any one or more of defendants on a joint obligation.

Sec. 3. And be it further enacted, That whenever a judgement shall have been rendered by any Court of

record, or any Justice of the Peace, in this Territory, and an execution against the defendant, or defendants shall have been returned by the proper officer, "no property found ;" on the affidavit of the plaintiff, or other credible person, that said defendant, or defendants hath or have no property within the knowledge of such against, in his or their possession, and that such affiant hath just reason to believe that another person, or persons, is, or are indebted to such defendant, or defendants, or hath or have effects of such defendant, or defendants, to his or their hands, it shall be lawful for said Court, or Justice of the Peace, to Cause the per-
 Court may have effects of such defendant, or
 summon defendants, to his or their hands, it
 garnashees shall be lawful for said Court, or
 where exe- Justice of the Peace, to Cause the per-
 cution re- son or persons supposed to be in-
 turned no- debted to, or supposed to have any
 property of the effects of the said defendant,
 found or defendants, to be summoned,
 forthwith, to appear before said
 Court or Justice, as a garnishee or
 ganishees, and said Court, or Justice
 of the Peace, shall examine and pro-
 ceed against such garnishee or gar-
 nishees, in the same manner as re-
 quired by law, against garnishees in
 original attachments.

Sec. 4 And be it further enacted,
That in all actions of debt, founded
on any bond, promissory note, or
judgement, when the original writ
shall have been executed on the de-
fendant or defendants, sixty days
before the return thereof, it shall be
lawful for the Court, in which such
action is instituted, to proceed to
judgment to the term to which such
writ is returned unless the defen-
dant, or defendants, shall make oath,
to the best of his or their knowledge
and belief, that he or they, will be a-
ble to make a defence, going to the
actual merits of the the case.

Writs return
ed sixty days
before Court
can proceed
to judgment

Sec. 5 . And be it further enacted,
That all executions, hereafter issued
by any of the Superior Courts of
this Territory, shall be made return-
able, ninety days after they respec-
tively bear teste: and it shall be the
duty of the clerk of each of said
Courts, when an execution shall be
returned in vacation, if necessary,
to issue an alias or plurius execution,
in the same manner as if the same
had been returned in term time.

Executions
returnable
ninety days
after Judg
ment

Sec. 6 And be it further enacted,
That if any sheriff shall, on the re-

turn of an execution, fail to pay over any money collected by virtue thereof, he shall on motion of the plaintiff in such execution, as in other cases, be subject to a recovery of the amount by him received, and damages at the rate of fifteen per centum: and if any clerk shall fail to pay, on demand, to the party entitled thereto, or his attorney, any money by him received, in his capacity as clerk, he shall, in like manner be subject to a recovery of the amount so received, and damages at the rate of fifteen per centum the damages in either case, to be calculated from the time at which it is in evidence, such sheriff or clerk received such money,

Sec. 7. And be it further enacted That if any sheriff shall fail to make the money required by any execution, before the return day thereof; when the defendant has sufficient property, within the knowledge of such sheriff, he shall be liable to a recovery of the amount due on such execution, including interest and cost, in an action on the case brought by the party aggrieved.

Sheriff or Clerk on failure of returning an execution subject to a recovery 15 per cent interest

Sheriff liable in certain cases

Sec. 8. And be it further enacted, That whenever any cause of action may exist against two or more partners, trading in copartnership, or against partners of any denomination whatever, it shall be lawful to prosecute an action against any one or more of them; and when a writ shall be issued against all the partners of any firm, service of the same on any one of them shall be deemed equivalent to a service on all: & the plaintiff may file his declaration, and proceed to judgment, as it said writ had been served on each defendant; and the judgment shall be equally valid. and effectual against all the defendants.

Lawful to
issue writs
against any
one or more
partners

Legal to
serve writs
on any one
of a firm

Sec. 9. And be it further enacted, That the Superior Courts of this Territory, fitting in Chancery, shall in all cases where a bill is pending, or may be hereafter filed, to compel the specific performance of a contract, have power to make a decree, vesting title to any property, real or personal, in the complainant, as fully and effectually as if conveyed by the defendant, in conformity with the contract on which such bill and de-

Chancery
Courts au-
thorised to
make title
to property

cree are founded; and a writ shall issue to the Sheriff, or other officer, commanding him forthwith, to put such complainant in possession.

Sec. 10. And be it further enacted,

That whenever the property of an absconding debtor shall be attached,

Property re- it shall not be replevied, unless the
plevied in security in the replevy bond shall
certain cases undertake to return the specific pro-
perty attached, or pay and satisfy
such judgement as may be rendered
against the defendant.

Sec. 11. And be it further enacted,

That, hereafter, in all actions found-
ing in damages, it shall be lawful
for the clerk of the court in which
such action is commenced, or any
Justice of the Quorum of the Coun-
ty, where such suit may be institu-
ted, to order the defendant or de-

Defendants fendants to be held to bail in such
to give se- sum as may deem proper, on the affi-
curity for davit of the plaintiff, or other ere-
damages dible person, setting forth satisfac-
tory reasons for praying such order:
provided, however, that it shall be
the duty of the Court, to which
such writ may be returned, on ap-
plicaiton at the first term thereof

after the commencement of such action, supported by satisfactory proof; to discharge the bail taken under such order, or reduce the amount for which bail may have been required.

Sec. 12. And be it further enacted That where any suit shall be instituted against two or more persons as partners in any firm, if one or more persons, not partners in said firm, shall have been sued as such; the court before whom said suit is or shall be pending, shall discontinue said suit against such person or persons, as shall appear not to be partners, in said firm, and proceed to Judgment and execution against all or any of the defendants in such action, who shall appear to be partners.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council
APPROVED—7th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

For the Government of the Town
of Blakely,

Sec. 1. Be it enacted by the Legis-
lative Council and House of Repre-
sentatives of the Alabama Territo-
ry, in General Assembly convened.
That the land-holders, freeholders,
and house holders of the Town of
Blakeley, shall, on the first Monday

To hold an election on the first Monday in March, each year for five Commissioners, Treasurer, Assessor and Collec-
tion in March, or as soon thereafter as may be convenient, in each and every year, in said town, hold and election, to commence at ten o'clock in the forenoon, and to close at five o'clock in the afternoon; and then and there elect by ballot, and a majority of voted, five commissioners, a majority of whom shall constitute a quorum to do business; also, a Treasurer, Assessor and Collector, to serve for the term of one year: and the said commissioners so elected, shall, on the next day after

Commissioners to elect a President, such election, in each and every year, meet and elect by ballot and a majority of votes from their own body, a President; whose duty it shall be to preside and keep order at all meeting of the said Commission-

ers, and in his absence or incapacity, any other member may be called to the chair : and the said Commissioners shall be, and they are hereby, constituted a body corporate, by the name and style of the President and Commissioners of the Town of ed Blakeley ; and by that name they and their successors in office, shall be capable in law of suing and being sued, of impleading & of being impleaded, in all manner of suits and actions either in law or equity ; and also, to do all acts which are incident to bodies corporate.

Incorporat-

Sec. 2. And be it further enacted, That the said President and Commissioners shall have power and authority to raise such sum or sums of money, as they shall think necessary for the well regulation of said Town; which sum or sums shall be affected upon the land holders, freeholders, and house holders within the said town, by the assessor, according to the regulations to be established by said President and Commissioners, and shall be collected by the collector at such time or times, and be paid and disposed of in such manner, as

Commission-
ers authori-
sed to assess
taxes

Proviso the said President and Commissioners shall direct : Provided, the whole amount of such sum or sums, shall not, in any one year; exceed twelve and a half cents, for every hundred dollars worth of property liable to taxation ; but if the sum, or sums so assessed and collected, shall be found insufficient for the supply of the said Town, it shall be lawful for the President, with the advice of two of the Commissioners, to call a meeting of the land holders, free holders and house holders of said town, by giving five days previous notice thereof, specifying the object of said meeting : and the said meeting shall have power and authority by a majority of votes, to order such further sum or sums to be raised, as to them may seem expedient ; to be assessed, collected and paid, as shall be directed by the said President and Commissioners.

To make
bye laws Sec. 3. And be it further enacted, That the said president & commissioners shall meet on their own adjournments, and have power from time to time, and at all times hereafter, to make such bye-laws and regulations

is writing, not inconsistent with the laws of the United States or of this Territory, as to them shall appear necessary for the good government of the said Town ; and the same to put in execution, revoke and alter, as to them shall appear expedient. In addition to the officers to be appointed by the first section of this act, the said President and Commissioners shall have power to appoint such other subordinate officers as they may think necessary, for the good government of the said Town ; and, by ordinance, to require such security from the several officers, and to annex such fees to the several offices of the said Town, and to impose such fines for the neglect of duty in office, or misconduct in the same, as to them may appear necessary : and to make, limit, and impose and tax reasonable fines and amercements in any one case not exceeding fifty dollars, against all, and upon all persons who shall offend against the by-laws and regulations for the government of the said Town ; and all such fines and amercements to take, demand and levy of the goods and

Commissioners have power to appoint officers

To levy and collect fines

chattels of such offender by warrant issued under the hand and seal of the President, directed to the constable of the county, who is hereby required and authorised to execute the same ; which fines and amercements shall be paid to the treasurer, to be appropriated to the use and benefit of the said Town.

Sec.4 .And be it further enacted, That the President and Commissioners in office on the first Monday in March, in each and every year, shall

To continue
in office un-
til successors
are elected,

President &
Commission-
ers to pre-
side at elec-
tions

remain and continue in office until successors be duly elected; and it shall be the duty of the said President and Commissioners, or any three of them remaining in office, to preside at the annual election appointed to be held on the first Monday of March, or as soon thereafter as convenient; and to declare the persons duly elected at any such election ; and when, on counting the ballots, there shall appear to be an equal number for two or more persons, it shall be the duty of the judges presiding a such election, to declare which of the said persons is duly elected; and in case the whole

number of Commissioners authorised by law to be elected on the first Monday in March in each and every year, shall not be then elected, or if no election shall be had on that day, the said Commissioners so remaining in office, shall appoint another day, by public notice given in said town, at least eight days previous thereto, for holding an election for Commissioners, or any number thereof who may not have been duly elected on the first Monday in March; Provided, that, if no election, or an incomplete election, be had on the first Monday in March in each year, the time to be appointed by the President and Commissioners for an election, shall be within one month thereafter.

Sec. 5. And be it further enacted, That, in case of the death, resignation, or removal from Town of any of the commissioners, the treasurer, Assessor or collector, the President for the time being, shall call a meeting of the land holders, freeholders and house-holders, by advertising the same at the place of meeting in said town, five days previous thereto.

If the whole
are not elec-
ted to hold
a second elec-
tion

Proviso

How to sup-
ply vacan-
cies

who shall, by ballot; proceed to supply the vacancy.

Sec. 6. And be it further enacted, That the said President and Commissioners are hereby authorized to levy a tax on carts, drays, waggons, or other vehicles of transportation, and only such as are employed in transporting for pay or compensation, any article whatsoever, from one place to another within the limits of the said Town: also, on all retailers of spirituous liquors, a rum not exceeding Ten Dollars per centum.

Sec. 7. And be it further enacted, That all free white male persons, subject to taxation, who shall be in the occupancy of a room to himself, separate and apart, shall be deemed a house-holder within the meaning of this act, and shall be entitled to vote at the Town elections.

GABRIEL MOORE,
Speaker of the House of Representatives,
JAMES TITUS,
President of the Legislative Council
APPROVED—7th February, 1818.

WM. W BIBB
Govern or of the Alabama Territory

Authorised
to ley tax
on carts,
drays &c.

Persons oc-
cupying a
room sepa-
rately shall
vote

AN ACT

To establish the County of Dallas.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That all that tract of country, bounded on the north by the county of Cahawba, on the east by the ridge dividing the waters of Mulberry from those of Cahawba, and a line running from where said ridge intersects the Alabama river, a direct cause to the head of Pine Barren creek ; thence with said creek to its junction with the Alabama river thence by a line running directly to the north-east corner of Clarke county, thence with the northern boundary of said county, to the ridge dividing the waters of the Tombecbe from those of the Cahawba river; thence up said ridge to the boundary of the county of Marengo, and thence with the boundary of said county, to the place of beginning, shall form one county, to be called and known by the name of Dallas.

Sec. 2 . And be it further enacted, That there shall be holden in and

for the said county of Dallas, in each year, a Superior Court of Law and equity, on the second Mondays in April and October; and there shall be holden in and for said county of Dallas, in each year, a County Court on the third Mondays in April and October; and an intermediate Court on the third Mondays in January and July.

Sec. 3. And be it further enacted, That for the time being, the said Courts; in and for the said county of Dallas, shall be holden at the mouth of the Cahawba; but the said Courts may, respectively, for want of necessary buildings, adjourn to some convenient place contiguous thereto.

Sec. 4. And be it further enacted, That the said Superior, County and intermediate Courts herein required to be holden, may respectively, continue their sessions, fix judicial days, and no longer.

GABRIEL MOORE

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council

APPROVED—9th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

Time of holding Courts,

Where held

Courts to fix days and no longer

AN ACT

Concerning certain Islands in the

River Tennessee.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in general Assembly convened, That the islands in the Tennessee river, within the lines actually run in the surveys already made, shall be deemed and taken to constitute a part of the respective counties established by law within said survey, and shall belong to such counties respectively, to the shore or river boundary of which they may be most near.

Islands be-
longing to
respective
counties

Sec. 2. And be it further enacted, That the middle of said river Tennessee, wheresoever there are no Islands, shall be deemed and taken to be the boundary line between the several counties established on its

Middle of
the River
the bounda-
ry line be-
tween coun-

Ties

banks; any thing, in any law to the contrary, notwithstanding.

GABRIEL MOORE,
Speaker of the House of Representatives

JAMES TITUS,
President of the Legislative Council,
APPROVED—9th February, 1818

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To incorporate the St. Stephens
Steam Boat Company.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That James Pickens, David File, Silas Dinsmoor, Henry Bright, Benjamin S. Smoot, Daniel B. Ripley and their associates, be, and they are hereby constituted and appointed a body corporate, by the name and style of the St. Stephens Steam Boat Company; and by that name shall be, and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and re-

Person incorporated
and their
powers

tain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature and quality; and the same to fe¹¹, grant, demise, alien and dispose of; to sue and be sued plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing depending in any court of law or equity ; and also, to make, have and use a common seal, and the same to break, alter, and renew at their pleasure ; and also, to ordain, establish, and put in execution, such bye laws, ordinances and regulations as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or the laws of the United States or the Territory ; and generally to do and execute all and singular the acts matters and things which to there may appear necessary, or which to them it may appertain to do, as inci-

Establish &
put in execu-
tion by laws

dent to bodies corporate, under the
restrictions before mentioned

GABRIEL MOORE,
Speaker of the House of Represen-
tatives.

JAMES TITUS,
President of the Legislative Council.
Approved—10th February 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Concerning Writs of Error.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Ter-
ritory, in General Assembly convened,
That whenever a writ of error shall
have issued from the clerk's office of
any of the Superior Courts of this
Territory, it shall be the duty of the
Clerk of the Court from which it
shall have issued to give the defen-
dant in error, or to his attorney, on
application, a certificate, stating that
a writ of error has issued; and it shall
be the duty of the General Court,
on motion the said defendant, & on
his producing the said certificate, to

Duty of
clerk to give
certificate

dismiss any cause in which the transcript of the record shall not have been returned on or before the third day of the term to which the writ shall have been made returnable, Courts to dismiss a cause in which the transcript shall not be returned

Sec. 2. And be it further enacted, That whenever any cause shall be dismissed for want of a return of the transcript of the record and the judgment below shall have been superceded, it shall be the duty of the said General Court to affirm the judgment of the Court below, with damages, interest and cost; unless the plaintiff in error, or some other person, shall make affidavit that the transcript of the record could not be procured from the Clerk of the Court below. Affirm the Judgment of the Court below with damages

Sec. 3. And be it further enacted, That, from and after the passage of this act, no writ of error shall issue, to reverse or set aside any judgment or decree which may be rendered in any of the Courts of this Territory, after the expiration of twelve months from the rendition of such judgment No writ of error granted after twelve months

or decree, any law to the contrary notwithstanding.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—10th February, 1818.

WM. M BIBB,
Governor of the Alabama Territory.

AN ACT

To alter and amend an act, entitled
"An Act concerning Escheats."

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,
That the second section of the act

Repealing clause, concerning Efcheats, passed the thirteenth day of December eighteen and eleven, be , and the same is hereby repealed.

GABRIEL MOORE,
Speaker of the House of Representatives.
JAMES TITUS

President of the Legislative Council.
APPROVED—10th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Concerning the style of Writs.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That all writs hereafter issued from any of the Courts of this Territory, shall run in the name of the Alabama Territory; and shall bear teste in the name of, and be signed by, the Clerk of the Court from which they may be issued.

To bear test
in name of
the clerk

Sec. 2. And be it further enacted, That in all cases respecting the rights, interest and duties of the Territory or its officers, whenever the word Mississippi occurs, or is required to be used, it shall be supplied by the word "Alabama."

"Alabama"

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

Approved—12th February, 1818.

WM. M. BIBB

Governor of the Alabama Territory.

AN ACT

Appointing Commissioners to select
a temporary place for holding the
Courts in Montgomery county.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Hudson Powell, Robert Gastin, Joseph H. Howard, Howell W. Rose, and Doctor George Dabney, be, and they are hereby, appointed Commissioners; a majority of whom shall have full power to select the place at which the different Courts for said county, shall be holden; which place so selected, shall be the temporary seat of Justice in said county, until otherwise provided or altered by law.

GABRIEL MOORE,
Speaker of the House of Representatives,
JAMES TITUS,

Names of
Commision
ers
President of the Legislative Council

APPROVED—12th February, 1818.

WM. W. BIBB.

Governor of the Alabama Territory

AN ACT

To alter and extend the boundaries
of Marengo County,

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That ,all that tract of country lying west of the county of Dallas, north of the county of Clark, and east of the River Tombeckbe, shall be added to, and compose a part of, the county of Marengo.

Boundaries

GABRIEL MOORE,

Speaker of the House of Representatives,

JAMES TITUS,

President of the Legislative Council,

APPROVED----12th February; 1818.

WM. W. BIBB,

Governor of the Alabama Territory,

AN ACT

To authorise Honore Colin to man-
umit his female slave Rozetta.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory , in General Assembly convened, That Honore Colin, a free man of

colour of the Town of Mobile, be
 and he is hereby, authorised to man-
 umit and set free Rozetta, his female
 slave, so soon as the said Honore Co-
 lin shall have executed to the Chief
 Justice of the Orphans Court of Mo-
 bile county, and his successors in of-
 fice, a bond, with sufficient security,
 to be approved by said Orphans
 Court, conditioned that the said fe-
 male slave Rozetta, shall never be-
 come chargeable to the Alabama
 Territory, or any county, or town
 therein.

GABRIEL MOORE,
 Speaker of the House of Representatives.

JAMES TITUS,
 President of the Legislative Council.
 Approved—12th February, 1818.

WM. W. BIBB,
 Governor of the Alabama Territory.

AN ACT

To authorise the change of Venue,
 in real Actions.

Sec. 1. Be it enacted by the Le-
 gislative Council and House of Re-
 presentatives of the Alabama Terr-
 itory, in General Assembly convened,
 That hereafter it shall and may be
 lawful for the several Courts within

within this Territory, when any real action may be instituted, or pending in such Courts, to order the change of Venue in such action, to any adjacent county, on the party wishing such change, making affidavit, that he, she, or they, verily believe that justice cannot be done in the county where such suit may be pending:

Provided, that the party opposed to such change of Venue, shall have the right to take the testimony of aged or infirm witnesses, in all cases where a change of venue may be prayed, by Dedumus Proteslatem to be directed to any Justice of the Quorum, or of the Peace in the county from whence the said Venue may be changed; the party wishing such Dedimus previously making an application, for that purpose, to the Judge who may preside in the Judicial District where such suit may be pending, and giving the opposite party sufficient notice of the time and place of taking such testimony which testimony, in form aforesaid taken, together with the Dedimus, shall be sealed up by the person by whom the said testimony may be ta

Change of
venue to any
adjacent
county

Party oppo-
sed to take
testimony of
aged and in-
firm persons

ken and be directed to the Clerk of the Court to which the Venue may be changed, and shall be read in evidence in the case in which it may be taken, subject to such restrictions, and formalities, as are now prescribed by law.

Sec. 2. And, be it further enacted, That when the venue has been changed in any real action, and judgment had and rendered, in favor of the Plaintiff, it may be lawful, and it is hereby required, that the Clerk of the Court where such judgment shall be rendered, shall issue the writ of Habere Facias Possessionem in favour of the plaintiff, directed to the Sheriff of the county

where the action originated, any law, usage or custom, to the contrary notwithstanding.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS.
President of the Legislative Council

Approved- 13th February, 1818,
W M. W. BIBB,
Governor of the Alabama Territory

Writ of Habere facias Possessionem to issue

AN ACT

To amend and after the laws for the
punishment of crimes and Misdemeanors,

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That from and after the passage of this act; in all prosecutions for capital offences it shall and may be lawful, for the attorney general, or the person acting as such, to challenge a juror for good cause only, and it shall not be lawful for any peremptory challenge to be made to a juror, on the part of the Territory.

Att. Gen. to
challenge
juror for
good cause
only

Sec. 2. And be it further enacted, That so much of an act entitled, act for the punishment of crimes and misdemeanors, as requires that the prisoner should be furnished with a list of the jury who are to pass on his trial, two entire days previous to such trial, shall be so construed, as not to disqualify any person who may be summoned as a juror, in case of a deficiency of jurors of the panel, with

construction
relative to
juror

a copy of which such prisoner may have been served.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED-13th February, 1818.

W M. W. BIBB,,
Governor of the Alabama Territory

AN ACT

To establish the Tombeckbe Bank, in the Town of St. Stephens.

Sec: 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That there shall be established, in the town of St. Stephens, a Bank, the capital flock of which shall not exceed Five Hundred Thousand Dollars, divided into Five Thousand Shares, of One Hundred Dollars each; and the subscriptions; towards constituting said flock, shall, as soon as may be after the passage of this act, twenty days notice being previously given, in some newspaper of St. Stephens, be opened in the said

Capital

town, under the superintendence of David Files, James A. Torbert, Denison Darling, Thomas I. Strong, Israel Pickens, James G. Lyon, Jack F. Rofs, William Crawford, Abner Smith Lipscomb, William D. Gaines Nathan Whiting, Thomas Crowell and George Buchanan, and shall remain open twenty days at least, and until the sum of seventy thousand Dollars shall be subscribed : and the money thus subscribed, shall be paid one-eighth part thereof, at the time of subscribing, three-eighth parts thereof, as soon as the Bank may be carried into operation ; each of which payments shall be made in specie ; when the directors shall give notice thereof, by advertisement, to be published in some newspaper printed in the said town of St. Stephens, at least thirty days previously to the day on which the subscribers shall be required to pay the same ; and the remainder at two equal instalments, at sixty and one hundred and twenty days thereafter; and as soon as the sum of seventy thousand dollars shall be subscribed, the subscribers, their successors and assigns, shall be a body

Superintendents

Books to be kept open 20 days

Time of payments

politic and corporate, by the name
 and style of the President, Directors
 and Company of the Tombeckbe
 Bank; and shall so continue until
 the last day of December, one thou-
 sand eight hundred and thirty eight ;
 and by that name shall be able and
 and capable in law, to have, pur-
 chase, receive, possess, enjoy and re-
 tain, to the use of them and their
 successors, lands, tenements, heredi-
 taments, goods, chattels and effects
 of what kind, nature or quality foev-
 er, to an amount not exceeding the
 sum six hundred thousand dollars ; &
 the same to grant, alien & dispose of
 at pleasure, & shall, by the name a-
 foresaid, be capable and liable in
 law, to sue ,and be sued, plead and be
 impleaded, answer and be answered
 defend and be defended, in any suit,
 matter, aaioo or thing depending is
 any court of law or equity ; and, al-
 so, to have and keep a common seal,
 and the same to break, alter or a-
 mend, at pleasure ; and, also, to or-
 dain, establish and put in execution,
 such bye laws, ordinances and regu-
 lations, not contrary to the laws of
 the United States, or of this Territo-

Incorporated with
 power to hold proper
 ty

To make
 bye laws

ry, as they may deem-necessary and expedient for the good government of the said corporation ; and, generally, to do and execute all and singular acts, matters, and things which are necessary and incident to bodies corporate, subject to the rules and regulations hereinafter prescribed and declared.

Sec. 2. And be it further enacted, That the following rules and regulations shall form and be the fundamental articles of the constitution of the said corporation, to wit: 1. The number of votes to which the stockholders shall be entitled in voting for directors, shall be according to the number of shares be, the, or they hold, in the proportions following, that as to say: for each and every share; not exceeding five, one vote, for every two shares above five and not exceeding nineteen, one vote; for every three shares above nineteen, and not exceeding forty-nine, one vote ; for every four shares, above forty-nine and not exceeding seventy-three, one vote ; for every six shares above seventythree and not exceeding ninety-seven, one

Proportions
of shares to
each vote

vote; and for every eight shares above ninetyseven, one vote; but no person, copartnership, or body politic shall be entitled to a greater number than one hundred votes; and after the first election, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of election, and stock holders away vote by proxy.

No director
to continue
more than
three years

2. Not more than three fourths of the directors who shall be in office at the time of an annual election shall be elected for the next succeeding year ; and no director shall hold his office, more than three years out of four, in succession ; but a director who shall be a President at the time of any election, may always be re-elected.

Entitled to
no emolu-
ment

3. None but a stockholder, a resident citizen of this Territory, shall be a director; nor shall any director be entitled to any emolument; but it shall be lawful for the President to receive such compensation as the stockholders shall, at a general meeting, assign to him.

4. Not less than seven directors

shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by another director, whom he, by writing under his hand, shall depute for that purpose, and the director, so deputed, may do and transact all the necessary business belonging to the office of the President of the said corporation, during the continuance of the sickness or necessary absence of the President.

Absence of
the President
to be
supplied by
deputy

5. It shall be lawful for the Directors to call a general meeting of the stockholders at any time they may deem it necessary and expedient, and a number of stockholders not less than twenty, who together shall be proprietors of one hundred shares, or upwards, shall have power, at any time, to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks notice in the newspapers of St. Stephens and specifying in such notice the object or objects of such meeting.

Directors
have power
to call a general
meeting

6. The Directors shall have power, at all times, on giving at least for-

20 stockholders
also
have the
power

Directors
have power
to open sub-
scriptions

days notice, in a St Stephens news-
paper, to open subscriptions for
stock until the whole capital stock is
subscribed. Provided, that no per-
son shall subscribe for more than ten
shares within the first ten days after
the subscription shall be opened.

Cashier &c.
to give bond
and security

7. The Cashiers or other officers,
clerks and servants of the corpora-
tion, shall, previously to entering on
the duties of their offices, respect-
ively, give bond with such security,
and in such form as the directors
shall require; conditioned for the
faithful discharge of their duties re-
spectively.

Amount of
bills issued
not to exceed
three times
the capital

8. The total amount of the Bills
emitted by the corporation shall ne-
ver exceed three times the amount
of the capital stock actually paid in;
and in case of excess the directors,
under whose administration is shall
happen, shall be liable for the same

Chargeable
with excess

in their natural and private capaci-
ties; and an action of debt may, in
such case, be brought against them,
or either of them, or any of their
heirs, executors, or administrators,
in any court of record in this Terri-
tory, by any creditor or creditors of

the said corporation; and may be prosecuted to judgement and execution, any condition, covenant, or agreement, to the contrary notwithstanding; but the corporation shall not on account of this provision be the less liable for and chargeable with the said excess; such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may, respectively, exonerate themselves from being so liable by, forthwith, giving notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

9. The corporation shall not take more than at the rate of fix per centum per annum, for or upon its loans or discounts. Shall not take more than 6 per cent interest

10. The stock of the corporation shall be assignable and transferable, according to such rules as may be made in that behalf by the directors. Stock transferable

11. The Bills obligatory and of credit, under the seal of the said

corporation, which shall be made to any person or persons, shall be assignable by endorsement under the hand or hands of said person or persons, and his, her or their executors and administrators, and of his, her or their assignee or assignees, and so as absolutely to transfer, and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees, and his, her, or their executors, or administrators, to maintain an action thereupon, in his, her, or their own name or names; Provided, that said corporation shall not make any bill obligatory or of credit, or other obligation, under its seal, for the payment of a sum less than five hundred dollars; and the bills or notes which may be issued by order of said corporation, signed by the President and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person, if

Notes how
negotiable

issued by him, her or them, in his, her or their private or natural capacity, or capacities, and shall be assignable and negotiable; in like manner as if they were issued by such private person or persons ; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be assignable and negotiable by delivery; Provided, that all bills or notes so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than fifty dollars each, and payable to the order of some person or persons ; which bills or notes, it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof.

12. Half yearly dividends shall be made of so much of the profits of the Bank, as shall appear to the Directors available ; and once in three years the Directors shall lay before

Once in

three years to lay a state ment before the stock holders	the stockholders at a general meet- ing, for their information, an exact and particular statement of the debts which have remained unpaid after the expiration of the original credits, for a period of treble the term of that credit, and of the surplus of the profits, if any, after deducting losses and dividends. If there shall be a failure of the payment of any part of any sum subscribed to the capital of the said Bank by any person, co- partnership or body politic, the party failing shall lose the benefit of any dividend which may have accrued, prior to the time for making such payment, and during the delay of the same.
Forfeiture of dividends	
No note for less than one dollar	18. No note shall be issued of less amount than one dollar. Sec. 3. And be it further enacted, That if any person or persons shall be indebted to said corporation, as maker or endorser of any not, bill, or bond, expressly made negotiable and payable at said Bank, and shall delay payment thereof it shall be lawful for the corporation, after hav- ing given at least ten days notice thereof, and producing to the Court
How to collect debts	

before whom the motion is made, the certificate of the President of the Bank, that the debt is really and bonafide the property of the Bank, to move for judgment and the award of execution against such debtor or debtors, his, her, or their heir or heirs, executors or administrators, in any Court of record within this Territory: Provided, always, that if the defendant or defendants shall appear & contest the claim, the Court shall, instanter, impanel a jury to try the issue, and thereon give judgement accordingly: and provided, also, that no note, bill or bond, shall be negotiable at said bank, unless it shall be so expressed on the face of such note, bill or bond, and all debts due from the said corporation, by bond, bill, note or otherwise, to any individual or body corporate, may be sued for and recovered in like manner.

No note negotiable unless so expressed on the face of it

Sec. 4 And be it further enacted, That as soon as the sum of seventy thousand dollars shall be subscribed with the superintendants, it shall be lawful for them to rent or lease a house and fit it for the business of the Bank, to procure paper, plates

Superintendants to rent house &c

chests, books, stationary and what-
 ever may be necessary to begin the
 operations of the Bank ; and as
 soon as they shall have made such
 progress therein, as will justify the
 measure, call a meeting of the
 stockholders in the town of St. Ste-
 phens, of which they shall give pub-
 lic notice for twenty days, in some
 newspaper printed in St. Stephens;
 and at such meeting of the stock-
 holders they shall proceed to the e-
 lection of thirteen directors, who
 shall continue in office until the first
 Monday in January following, when
 there shall be a new election, and so
 on, in each and every year on the
 same day, until there shall be a dis-
 solution of the corporation. Im-
 mediately after each election the
 directors shall meet and choose one
 out of their own body as President.
 In case of death, resignation or ab-
 sence of a director or of the Presi-
 dent out of the Territory, for up-
 wards of six months the vacancy
 may be supplied by a majority of the
 board.

Sec 5. And be it further enacted,
 That for all debts contracted by said

Call meet
 ing and elect
 directors

Elect direc
 tors every
 year

corporation, either by bond, bill, or note, or other contract, the stockholders, at the time the said debt or debts may have been contracted, shall be liable for the same in their natural and private capacities, in proportion; to the number of shares by them held, and may be proceeded against therefor, jointly or severally, in any court having jurisdiction of the same ; but this provision shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable.

Stockhold-
ers liable for
debts &c.

Sec. 6. And be it further enacted, That it shall be the duty of the directors to reserve, for ten years two fifths of the said capital flock, to be subscribed for by the Territory or State as it may be, at any time within the ten years : and at any time the Legislature of the Territory or State shall have the aforesaid two fifths, or any part thereof subscribed for; then the Governor of the Territory, or State, shall have power to appoint a number of Directors, proportionate to the number of shares held by the

Two fifths
of the capital
to be reserv-
ed for the
Territory

Territory or State, in said Bank,
and the stockholders shall, at the
next annual election, proceed to the
election of the residue of the Direc-
tors, as authorized by this act; and
the Territory or State shall be liable
for all debts contracted by said Bank,
in their capacities as such to the
extent of th interest held by the
Territory or State in said Bank.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council:

APPROVED- 13th February, 1818.

WM W. BIBB,
Governor of the Alabama Territory

AN ACT

Authorizing the building of Bridges
on Santa Bogue and Pine Pine
Barren Creeks, in Washington
County.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,

Commission That William Shaw, Robert Caller,
ers Wm. Godfrey, Jeremiah Worsham,
Sen. John Moore, William Rankin

and David Rudder, be, and they are hereby, appointed Commissioners, to contract for and superintend the building of Bridges across Santa-Bogue and Pine Barren Creeks, at or near the place, where the Federal road, leading from St. Stephens to Tennessee, crosses said Creeks, in Washington county; and they or a majority of them, are hereby authorised to make such contract, and at such time or times, and on such terms and conditions, as they may deem proper.

Where bridges to be built

Sec. 2. And be it further enacted, That the aforesaid Commissioners be, and they are hereby authorised and required, to take bond, with sufficient security, drawn in their favor, for the use of said county, from the undertaker or undertakers of said bridges, conditioned for the faithful completion thereof, according to contract.

Take Bond and security

Sec. 9. And be it further enacted, That the aforesaid Commissioners be, and they are hereby, authorised to draw on the Treasurer of the county of Washington, aforesaid, for such sum or sums of money, as they

Give drafts on the Treasurer of Washington county

may from time to time, deem necessary to carry into effect the object for which they are, by this act, appointed: and the aforesaid Treasurer of the county of Washington, is hereby, authorised and required to pay such drafts, out of any monies in said Treasury, not otherwise appropriated.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS
President to the Legislative Council.
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Entitled an act, to alter the mode of assessing and collecting Taxes, in the counties of Washington and Montgomery

Sec. 1 Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,

That the assessors and collectors of Taxes in the counties of Washing-

Assessors &
collectors

ton and Montgomery, shall, in their respective counties, attend three several times in each militia captains' district, at or near the usual muster ground, to receive returns and payment of Taxes, of which times and places of attending, they shall give at least twenty days notice, by advertisement, posted up in three or more of the most public places within the district.

to attend in
each district

Sec. 2. And be it further enacted, That it shall be the duty of all persons liable to pay taxes, to attend at such time, and places, as the collectors and assessors aforesaid may appoint, for the purpose aforesaid; and on failure so to do, every person so failing, shall be considered defaulters, and double taxed, agreeably to the tax laws now in force: Provided, That no person shall be double taxed, who shall give in his or her return, and pay his or her taxes, within thirty days after the time last ap-

Liable to
double tax

pointed by the assessors and collectors aforesaid.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB
Governor of the Alabama Territory:

AN ACT

Concerning the distribution of the
Laws and Journals.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, on General Assembly convened, That it shall be the duty of the Secretary, after making the distribution particularly designated by law, to distribute the Acts and Journals of the present session, among the several counties, agreeably to the number of Representatives to which they are, respectively entitled.

Sec. 2. And be it further enacted, That the Secretary of the Territory, be, and he is hereby, authorised

Secretary to
distribute
the laws &
journals

to employ suitable persons to transport, and deliver to the Clerks of the several Superior Courts, the proportions of the said Acts and Journals, to which their respective counties may be entitled.

To employ
a person to
deliver them
them to the
clerks

Sec. 3. And be it further enacted, That the Governor or ecretary, be, and either of them is hereby, authorised to purchase one hun red copies of the late Digest of the Mississippi Statutes, to be distributed among the several counties established at the present General Assembly: and any expenses which may be incurred in carrying into effect the provisions of this act, shall be paid, on the certificate of the Governor, or Secretary, out of any monies on the Treasury no other wise appropriated.

Authorized
to purchase
100 copies
of Miss. Sta-
tutes

GABRIEL MOORE.
Speaker of the House of Representatives

JAMES TITUS,
President of the Legislative Council.
Approved—12th February, 1818.
WM W. BIBB,
Governor of the Alabama Territory

AN ACT

To amend the Militia Laws for
other purposes.

Sec. 1. Be it enacted by the legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That so much of any act as provides that the Militia of this Territory shall form one Brigade, and authorises the appointment of Brigadier General, shall be, and the same is hereby, repealed.

Repealing
cause

Sec. 2. And be it further enacted, That the Governor shall have power to arrange the respective Regiments, Battalions and Companies of Militia; and from time to time, when, in his opinion, the public safety may require it, or on a requisition under the authority of the United States, to call out any Volunteer corps, and to order the same into the service of the United States.

Governor
authorised
to organize
the Militia

To call them
out when
necessary

Sec. 3. And be it further enacted, That when any portion of the Mili-

tia, or any Corps of Volunteers, shall be called into service, by order of the Governor, it shall be the duty of the Quartermasters, or such other officers or officers, as the Governor may appoint, to furnish them with the necessary supplies, and means of transportation, and to render a just account of expenditures.

Quarter
masters to
furnish sup-
plies &c.

Sec. 4. And be it further enacted, That the sum of Two Thousand Dollars, be, and the same is hereby, set apart, out of any monies in the Treasury not otherwise appropriated, and shall constitute a contingent fund to defray any expenses which may be incurred under the provisions of this act, and such other incidental expenses as may be required for public fee service; and the Governor, may, from time to time draw on the Auditor of Public Accounts for such sums as may be necessary; stating always the amount, and the object for which it is wanted; whereupon the Auditor shall issue his warrant therefor on the Territorial

Two thou-
sand dollars
appropriated

Treasurer, who shall forthwith pay
the same.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To incorporate the Town of Rodney, and for other purposes.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That the Town of Rodney, laid out on the land of Jofias Bullock near St. Stephens, in the county of Washington, pursuant to an act of the General Assembly of the Mississippi Territory passed on the twenty-fifth day of November, eighteen hundred and eleven, be, and the same is, hereby, established, by the name and style.

Sec. 2. And be it further enacted, That hereafter, the land holders,

Established
by the name
of Rodney

freeholders, and house holders, within the said Town of Rodney, shall on the first Monday in March next, and on that day in each year, at the Eagle Tavern, hold an election, to commence at ten o'clock in the morning, and close at five o'clock in the evening, for the purpose of electing, by ballot, five persons, inhabitants of said town, Trustees thereof, a majority of whom shall constitute a quorum to do business; and also a town Treasurer, Assessor and Collector, and Constable to serve for one year.

To elect
each year
five trustees

Sec. 3. And be it further enacted, That the said Trustees and other officers to be so elected shall proceed in the same manner, possess the same powers, and be subject to the same restrictions as are prescribed by law for the government of the Trustees and other officers of the town of St. Stephens.

Subject to
the same re-
gulations as
the town of
St. Stephens

Sec. 4. And be it further enacted, That every free white male, of full age, who has resided in the town of St. Stephens six months previously to the election of the Trustees for the said town of St. Stephens shall

fix months
residence
entitles a
person to

vote

be entitled to vote for the said Trustees.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB.
Governor of the Alabama Territory.

AN ACT

To amend an act entitled an act against Usury.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That any rate of interest, or premium for the loan or use of money, wares, merchandize, or other commodity, fairly & bona fide stipulated and agreed upon by the parties to such contract, expressed in writing, and signed by the party to be charged therewith, shall be legal and recoverable; and no bona fide contract shall be vacated, or in any man-

Lawful to
receive any
interest ex-
pressed in
writing

ner impaired, by reason of any premium, or rate of interest, so stipulated and expressed.

Sec. 2. And be it further enacted, That on all contracts, written or verbal, ascertaining the sum due, where no specific premium or rate of interest is expressed, interest shall be taken, recovered and allowed, at the rate of eight per centum per annum from and after said sum due and payable.

Where no
sum is expres
sed 8 per
cent.

Sec. 3. And be it further enacted, That all acts, or parts of acts contravening the provisions of this act, be, and the same are hereby, repealed: Provided, that nothing in this act contained, shall be so construed as to make it legal for any Bank to receive more than at the rate of fix per centum per annum, for an up- on its loans and discounts.

repealing
clause

Proviso

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—18th February, 1818.

WM. W. BIBB,
Gvornor of the Alabama Territory.

AN ACT

To fix the compensation of the members of the General Assembly.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General ssembly convened, That the President of the Legislative Council, and the Speaker of the House of Representatives, shall be
 Compensation-entitled to receive seven dollars, and
 tion each other member of the General Assembly five dollars for each and every days attendance at the General Assembly; and shall moreover, be allowed at the commencement and end of every session, five dollars for every twenty miles of the estimated distance, by the most usual road, in coming to, and returning home, from, the place at which the General Assembly shall sit, and in that proportion for a shorter distance: and if any member of the
 Sick men General Assembly shall be detained
 bers entitled by sickness in coming to, or return-
 to the same, ing home from any session of the Legislature, or be unable to attend the house to which he belongs, he shall

be entitled to the same daily allowance.

GABRIEL MOORE,
Speaker of the House of Representatives

JAMES TITUS,
President of the Legislative Council
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Further to enable the County Court of Madison, to complete the Public Buildings of said County.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened, That, in addition to the powers already given them by law, as Commissioners for that purpose, the County Court of Madison be, and they are hereby authorised to levy a special tax, to enable them the more speedily to complete the public buildings of said county to be drawn for and applied to that object only; Provided, such special tax

county court
authorised
to levy a special tax.

shall not exceed one half of the Territorial tax of said county, and shall be collected in the same manner, by the same person, and for the same per centum, as the Territorial tax.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

For the relief of Tax Collectors.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama convened, That it shall be the duty of the Auditor of Public Accounts to allow to the Tax Collectors of the several counties, for the last year, the same sums which would have been allowed to them, if they had made their payments on or before the fifteenth day of November last, and said Collectors shall be relieved from the penalties of of their respective bonds:

Allowance
to tax collec-
tors

Provided, they shall complete their payments into the Territorial Treasury, on or before the first day of May next.

Relieved
from the pe-
nalties of
their bonds

Sec. 2. And be it further enacted, That the several assessors within this Territory shall be allowed, for the present year, till the first day of July next, to complete and deliver the several lists of taxable persons and property which they are bound by law to furnish.

Assessors al-
lowed till
the first day
of July next,
to complete
and deliver
their lists.

Sec. 3. And be it further enacted, That the said assessors and collectors are hereby authorised and required to receive, and discharge the amount of any draft or warrant, signed by the Speaker of the House of Representatives, or President of the Legislative Council; and such draft or warrant shall be a sufficient voucher in the settlement of the accounts of such assessor and collector, with the Auditor.

Assessors &
collectors
authorised
to receive
drafts.

Sec. 4. And be it further enacted, That the tax collector for the county of Monroe, for the year one thousand eight hundred and sixteen, be allowed the sum of one hundred and fifty-five dollars and twenty five

Tax collec-
tor of Mon-
roe county
allowed for
insolvency

cents, as the amount of insolvencies in said county, for the year aforesaid, and that the Auditor of Public Accounts be and he is hereby, authorised and required to audit said account accordingly.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To appoint Commissioners, to ascertain and report the most suitable and practicable route for a road, from the Falls of the Tuskaloosa, to the Tennessee River.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened

That Robert Beaty, Anthony Winston and William L. Adams be, and they are hereby, appointed commissioners, to explore and examine the

Commissioners names.

country between the Tennessee and Black Warrior Rivers, and report to his Excellency the Governor, at or before the next meeting of the Legislature, the nearest, best, and most practicable route for a road, leading from the Falls of the Tus-kaloosa or Black Warrior, to any point, or points, on the Tennessee River, above the head of the Muscle Shoals.

Report to
governor or
next legisla-
ture.

Sec. 2. And be it further enacted, That the said Commissioners, and each of them, shall receive for their services while engaged in making such examination and report, at the rate of three dollars per day; to be paid out of any monies in the Treasury not otherwise appropriated. Provided, that the expense to be incurred by this act shall not exceed two hundred and fifty dollars.

Allowed 3
dollars per
day.

GABRIEL MOORE,

Speaker of the House of Representatives

JAMES TITUS

President of the Legislative Council.

Approved—13th February, 1818.

WM. W. BIBB.

Governor of the Alabama Territory.

Appointing Commissioners to examine and report to the Governor the most eligible scite for the seat of the Territorial Government.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Clement C. Clay, Samuel

commissioners.

Taylor, Samuel Dale, James Titus, and William L. Adams, be, and they are hereby appointed commissioners to examine and report to the Governor, the most eligible scite for the Territorial Government, as near the centre of the Territory as may be, having due regard to commercial advantages, and the nature and situation of the county; and if said commissioners believe, on examination, that two or more places have equal, or nearly equal advantages, they shall report the same with a correct description of each.

May report two places

Sec. 2. And be it further enacted That so soon as the Governor, may receive such report from said commissioners, he shall be authorised to notify the Commissioner of the gen-

eral Land Office the place, or places, at which it is in contemplation to fix the seat of the Territorial Government and to request the suspension of the sale of such place or places, till after the next meeting of the General Assembly of this Territory; at which time such report shall be submitted to the Legislature for consideration; and if, notwithstanding such notification, the scite or scites, so examined and reported, should be offered for sale, before the next meeting of the General Assembly, the Governor shall be, and he is hereby authorised to purchase for the use of the Territory such one of the reported scites, as he may deem most advantageous and desirable.

Governor to
request sus-
pension of
sale.

to authorise
to purchase
if sold

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To establish the Counties of Marion
and Conecuh.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That all that part of the county of Tuskaloosa, lying west of the Sipsey Fork of the Black Warrior, and north of a line running directly from the mouth of said Fork to the ridge dividing the waters of Lookseopela Creek, and the first large Creek south of the same; and thence with said ridge to the Tombeckbe River, shall form one County, to be called and known by the name of Marion.

Sec. 2. And be it further enacted, That all that tract of country, lying east of the Federal Road, and not included in any other county now established, except the county of Monroe, shall hereafter form one County to be called and known by the name of Conecuh.

Sec. 3. And be it further enacted, That there shall be holden in and for the said county of Marion, in each year, a Superior Court of

Boundaries
of Marion
County

Boundaries
of Conecuh
county

Law and Equity, on the second Mondays in March and September; a County Court on the third Mondays in March and September; and an intermediate Court, on the third Mondays in June and December.

Time of holding courts
for Marion
county

Sec. 4. And be it further enacted, That there shall be holden in and for said county of Conecuh, in each year, a Superior Court of Law and Equity on the fourth Mondays in March & Sept. a county Court on the third Mondays in March and September, and an intermediate Court, on the third Mondays in June and December.

Time of holding courts
for Conecuh
county

Sec. 5. And be it further enacted, That the said Courts, in and for said county of Marion, shall, for the time being, be holden at the Cotton Gin Port, and the said Courts, in and for the said county of Conecuh, shall, for the time being, be holden at the house of Mayberry Thomas; but the said Courts may, respectively, for the want of necessary buildings adjourn to some more convenient place contiguous to the places herein designated for holding the same.

Where held

Sec. 6. And be it further enacted, that the said courts may, respectively, to sit six days

continue their sessions fix judicial
days and no longer.

GABRIEL MOORE,

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council

APPROVED—February 13th, 1818.

WM. W. BIBB,

Governor of the Alabama Territory

AN ACT

To provide for the appointment of
Attornies General, and to esta-
blish their Districts.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Ter-
ritory, in General Assembly convened,
That the counties of Madison,
Limestone, Lauderdale, Franklin,
Lawrence, and Cotaco, shall com-
pose one District, to be called the
Northern District, and there shall
be appointed, for said District, one
Attorney General, who shall per-
form all the duties, by law apper-
taining to that office, in the several
Superior Courts, to be holden in
and for said counties; and the said

Northern
district

Attorney General shall receive four hundred and fifty dollars per annum, in full compensation for his services, to commence at the term of the first Court he may attend in that capacity.

Sec. 2. And be it further enacted, That the counties of Marion, Blount, Shelby, Montgomery, Cahawba, Marengo, Dallas, and Tuskaloosa, shall compose one District, to be called the Middle District; and there shall be appointed, for said District, an Attorney General, who shall perform all the duties by law appertaining to that office, in the several Superior Courts to be holden in and for said counties; and shall receive four hundred and fifty dollars per annum, in full compensation for his services, to commence at the term of the first court he may attend in that capacity.

Middle district

Sec. 3. And be it further enacted, that the counties of Washinton, Clark, Monroe, Conecuh, Baldwin and Mobile, shall compose one District, to be called the Southern District; and there shall be appointed for said District, an Attorney Gene-

Southern district

ra1, who shall perform all the duties by law appertaining to that office, in the several Superior Courts to be holden in & for said counties ; & shall receive four hundred and fifty dollars per annum, in full compensation for his services.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council,
Approved-- 13th February, 1818.

W M. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To authorise John S. Divin to emancipate his Negro slave Robiu, alias Robert Long.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That John L. Divin, be, and he is hereby, authorised and empowered to emancipate, set free and discharge from the bonds of slavery.

Manumission

his Negro slave Robin, alias Robert Long, on such conditions as are now provided for by law.

GABRIEL MOORE,

Speaker of the House of Representatives.

JAMES TITUS,

President of the Legislative Council,

Approved—13th February, 1818.

WM. W. BIBB,

Governor of the Alabama Territory.

AN ACT

To authorise the Trustees of the St. Stephens Academy to raise a fund by Lottery, for the use of said Academy.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That the President and Trustees of the St. Stephens Academy, be, and they are hereby, authorised to raise, for the use of the Academy, four thousand dollars, by Lottery, or Lotteries, in such a way, and on such terms, as the said Trustees, or

To raise
4000 dollars

a majority of them, may think most
advisable.

GABRIEL MOORE,
Speaker of the House of Representa-
tives.

JAMES TITUS,
President to the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

Extending the right of Representa-
tion to certain Counties therein
named.

Sec.1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,
That the counties of Limestone,
Lauderdale, Franklin, Lawrence,
Cotaco, Marion, Blount, Shelby,
Tuskaloosa, Cahawba, Marengo,
Dallas, and Conecuh, shall, each,
be entitled to one member in the
House of Representatives of the
Territorial Legislature.

Sec. 2. And be it further enacted,
That the sheriff, or such other offi-

Names of
counties en-
titled to one
representa-
tive.

cer as may be authorised by law, in each of the counties aforesaid, shall, on the fourth Monday of July next, and on the succeeding day, proceed to open and hold an election, agreeably to law, at the place designated for holding Courts; and such sheriff or other officer, shall, within forty days after said election, make return to the Governor, of th person who may be elected to represent his respective county.

When elect
ed, sheriff to
make return
in 40 days

Sec. 4. And be it further enacted, That the several persons elected in the counties aforesaid, in manner aforesaid, shall be the Representatives of their respective counties, until the expiration of the term for which the members of the present Legislature were chosen, with all the rights, powers and privileges incident to that capacity.

When elect-
ed entitled
to all the
privileges of
a representa
tive

GABRIEL MOORE,
Speaker of the House of Represen-
tatives.

JAMES TITUS,
President of the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To amend the Laws for raising a Revenue.

Sec. 1. Be it enacted y the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened That all Lands, within this Territory, subject to taxation shall belong to one class: the first quality of which shall be rated at six dollar per acre; the second quality at three dollars per acre, and the third quality at two dollars per acre.

GABRIEL MOORE,
Speaker of the House of Representatives.
JAMES TITUS,

President of the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB.
Governor of the Alabama Territory.

AN ACT

Concerning Oaths of Office.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That all oaths of office, or declarations, or affirmations, prescribed by

One class
only.

law, may be taken before such persons, in the several newly established counties, as the Governor may, for that purpose depute and authorise in writing; and shall be as valid and obligatory, to all intents and purposes, as if administered by the Governor, or a Territorial Judge, or a Justice of any County Court.

Governor
may authorise persons
to administer oaths

GABRIEL MOORE,
Speaker of the House of Representatives,
JAMES TITUS,
President to the Legislative Council.

APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

To alter and amend an act, entitled
"An act to establish a Bank at
Huntsville"

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened,

That so much of the act, entitled an act, to establish a Bank at Huntsville, as prescribes that the corporate name and style of the subscribers to said Bank, shall be the President, Direc-

Repealing
clause

tors and Company of the Planters and Mechanics Bank of Huntsville, be, and the same is hereby, repealed.

Sec 2. And be it further enacted, That the subscribers to the Bank now in operation at Huntsville, their successors and assigns, incorporated by the said act, by the aforesaid name and style, be, and they are hereby created a corporation, and body politic, by the name and style of the President, Directors and company of the Planters and Merchants Band of Huntsville; and by that name and style, shall be known and distinguished, and by that name and style, than be entitled to all the rights, privileges and immunities, and subject to all liabilities, in said act of incorporation contained.

Planters &
Merchants
Bank

Sec. 3. And be it further enacted, That all acts heretofore done by the President, Directors and Company of said bank, and all debts contracted by, or to said bank, transacting business under the name and style of the President, Directors and Company of the Planters and Merchants Bank of Huntsville, shall be as binding and valid, to all intents and purposes, as

The names
binding and
valid

if the subscribers to said bank had been, by the said act; incorporated by that name and style.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President to the Legislative Council.
APPROVED—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory.

AN ACT

For the relief of James Caller.

Sec. 1. Be it enacted by the Legislative Council and House of representatives of the Alabama Territory, in General Assembly convened, That James caller be, and he is hereby, discharged from the payment of two hundred and seven dollars and eighty-five cents, being the amount of a judgment, and costs, obtained against him by the Governor of the Mississippi Territory, by the consideration of the Superior Court of Washington county, at its September term in the year eighteen hundred and fifteen, on a bond given by the said James Caller, for a certain

Released
from a judgment

Ware-House and lot of land near
Fort Stoddert, in Baldwin county,
whereon was erected said Ware-
House.

GABRIEL MOORE,
Speaker of the House of Representa-
tives.

JAMES TITUS,
President of the Legislative council.
APPROVED-13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory;

AN ACT

To authorize the Administrators of
William Gillam deceased, to sell
real Estate.

Sec. 1 . Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,
That Robert L. Walton and Tho-
mas Land junior, administrators of
William Gillam, late of Madison
county, deceased, be, and they are
hereby, authorised to sell the real
Estate of said decedant, on such
terms as they may deem most advan-
tageous, taking bond with good and

sufficient security for the true and faithful payment of the consideration.

Sec. 2. And be it further enacted, That said administrators are hereby authorised and empowered, on the sale of said real Estate, to make, or cause to be made, to the purchaser or purchasers, a conveyance of such title as the said decedant had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the decedant, in his life time.

To make title thereto.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council.
Approved—13th February, 1818.

WM. W. BIBB,
Governor of the Alabama Territory

AN ACT

To authorise Daniel Reed to emancipate his Mulatto slave Rose.

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That Daniel Reed, a free male of

colour, be, and he is hereby, author-
 ised and empowered, to emancipate,
 set free and discharge from the bonds
 of slavery, his mulatto slave named
 Rose : Provided, that he shall give
 To give bond, payable to the Governor of
 bond and the Alabama Territory, conditioned,
 security that the said woman Rose shall not
 become chargeable to any county or
 town within the Territory; which
 bond shall be filed in the office of
 the Clerk of the County Court of
 Washington county, agreeably to the
 provisions by law in such cases
 made and provided.

GABRIEL MOORE,
 Speaker of the House of Representatives.

JAMES TITUS
 President of the Legislative Council.

Approved – 13th February , 1818

WM. M. BIBB,
 Governor of the Alabama Territory.

AN ACT

To Divorce Lucretia Dearmond from
 James Dearmond

Sec.1. Be it enacted by the Le-
 gislative Council and House of Re-
 presentatives of the Alabama Terri-
 tory, in General Assembly convened,
 That Lucretia Dearmond be, and she

is hereby, divorced from the bonds
of Matrimony, heretofore subsisting
between the said Lucretia Dearmond
and James Dearmond.

Divorce

GABRIEL MOORE

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council

APPROVED— 13th February, 1818.

WM. W. BIBB.

Governor of the Alabama Territory

AN ACT

To authorise the Administrators of
James Allsup deceased, to sell real
Estate.

Sec. 1. Be it enacted by the Le-
gislative Council and House of Re-
presentatives of the Alabama Terri-
tory, in General Assembly convened,
That Robert R. Allsup administrat-
tor of James Allsuplate of the county
of Madison deceased, be, and he is
hereby, authorised to sell a certain Lot
adjoining the town of Huntsville,
belonging to the estate of said dece-
dant, on such terms as he may deem
most advantageous, taking bond with
good and sufficient security from the

Authorised
to sell a lot
and take
bond with
security

purchaser or purchasers, for the true and faithful payment of the consideration.

Sec. 2. And be it further enacted That said administrator is hereby authorised and empowered on the sale of said Lot, to make, or cause to be made to the purchaser or purchasers a conveyance of such title, as the said decedant had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the said decedant, in his life time.

GABRIEL MOORE,
Speaker of the House of Representatives
JAMES TITUS

President of the Legislative Council
APPROVED— February 13th, 1818

WM. M. BIBB
Governor of the Alabama Territory

AN ACT

Making appropriations to certain persons therein named

Sec. 1. Be it enacted by the Legislative Council and House of Representatives of the Alabama Territory, in General Assembly convened, That the sum of two hundred and eight dollars, be, and the same is

hereby, allowed to Thomas H. Douglass, for house rent, fuel, and furniture, furnished the General Assembly at the present session, and the sum of sixty two dollars and thirty-seven and a half cents, to Kyle, Hicks, Smiley & Co. for stationery furnished for the use of the General Assembly.

Allowance
to T. H.
Douglass

Allowance
to Kyle,
Hicks, Smi-
ley & Co.

GABRIEL MOORE
Speaker of the House of Representa-
tives

JAMES TITUS,
President of the Legislative Council
APPROVED – 13th February, 1818.

WM. M. BIBB
Governor of the Alabama Territory.

RESOLUTIONS

A joint Resolution authorising the
Governor to draw upon the State
of Mississippi for any monies due
the Alabama Territory.

Resolved, by the Legislative Coun-
cil and House of Representatives of
the Alabama Territory in General
Assembly convened, That the Gover-
nor be, and he is hereby, authorised

to take such measures as he may
 Governor deem most proper for the purpose of
 authorised ascertaining and receiving, from the
 to take mea- proper authorities, the amount of
 sures to as- monies to which the Alabama Ter-
 certain the ritory may be entitled, by virtue of
 amount of the provision contained in the ninth
 money to section of the act of Congress, esta-
 which the blishing a separate Territorial Go-
 Alabama vernment, for the Eastern part of the
 Territory is Mississippi Territory: as also all
 entitled such public acts, papers, or docu-
 ments, or authenticated copies there-
 of, now in the office of the Secretary
 of the State of Mississippi, as have re-
 lation to this Territory, and which
 may be considered important: and
 Expenses so any expenses which may be incurred
 be paid outin carrying into effect this resoluti-
 of the Trea- on, shall be paid out of the contin-
 sury gent fund, or any other monies in
 the Treasury not otherwise appro-
 priated on the certificate of the Go-
 vernor.

GABRIEL MOORE,
 Speaker of the House of Representatives
 JAMES TITUS

President of the Legislative Council

APPROVED– February 13th, 1818.

WM. M. BIBB,
 Governor of the Alabama Territory

A joint Resolution appointing Commissioners to mark out a road from the Town of Blakely to Fort Claiborne.

Resolved, by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened, That Cyrus Sibley, Charles Hall, Aaron Barlow, Samuel Dale, James Earl, Paschal Harrison and Peter Randon, be, and they are hereby, appointed Commissioners, to lay out and mark a road from the Town of Blakely to Fort Claiborne.

GABRIEL MOORE,
Speaker of the House of Representatives.

JAMES TITUS,
President of the Legislative Council,
Approved— 13th February, 1818.

WM. M. BIBB
Governor of the Alabama Territory

Commissioners to
lay out road

A joint Resolution making appropriation for the Sergeant at Arms.

Resolved, by the Legislative Council and House of Representatives of the Alabama Territory in General Assembly convened, That the sum of seventy eight dollars, be, and the same is hereby, allowed to Samuel Smith, Sergeant at arms, for his ser-

Sergeant at
arms allowed
78 dolls.

vices in attending twenty-six days
on the General Assembly.

GABRIEL MOORE,

Speaker of the House of Representatives,

JAMES TITUS,

President of the Legislative Council

APPROVED— 14th February, 1818.

WM. M. BIBB,

Governor of the Alabama Territory.

A joint Resolution increasing the
compensation of the Door keep-
ers.

Resolved, by the Legislative Coun-

Door keep-cil and House of Representatives of
ers allowed the Alabama Territory, in General
three dolls. Assembly convened, That the Door-
per diem keepers of the House of Represen-
tatives, and of the Legislative Coun-
cil, be, and they are hereby allowed
three dollars per diem, in full com-
pensation for their services.

GABRIEL MOORE,

Speaker of the House of Representatives

JAMES TITUS,

President of the Legislative Council

APPROVED— 14th February, 1818.

WM. M. BIBB,

Governor of the Alabama Territory

INDEX

Academy:

PAGE.

President and Trustees of the St. Stephens Academy incorporated,	22
Trustees of St. Stephens Academy authorised to raise a fund by Lottery,	101
Appropriations.	
Making appropriations to certain persons therein named,	112
Attorneys General.	
To provide for Attorneys General, and to establish their Districts,	98
Administrators.	
To authorise the administrators of William Gillam to sell real estate	108
To authorise the administrators of James Allfup to sell real estate,	111
Banks.	
To establish the Tombeckbe Bank,	61
To alter and amend the act establishing, a Bank at Huntsville,	105
Blakeley.	
For the government of the Town of Blakeley,	40
Bridges.	
Authorising building Bridges on Santa- and Pine Barren Creeks,	76
Counties.	
To establish the counties of Cotaco, Lawrence and Franklin,	8
To establish the Western and Southern boundaries of Madison, and to establish	

the counties of Limestone and Lauderdale,	12
To establish the counties of Blount. Tuscaloosa and Marengo,	16
To establish the counties of Shelby and Cabawba,	29
To establish the county of Dallas,	47
To alter and extend the boundaries of Marengo county,	57
To establish the counties of Marion and Conecuh,	96
To alter and extend the boundaries of Washington, Baldwin and Mobile counties,	21
Census.	
Athorising the taking the census of the Alabama Territory,	24
Compensation.	
To fix. the compensation of the members of the General Assembly,	88
Crimes and Misdemeanors.	
To amend and alter the laws for the punishment of crimes and misdemeanors,	61
Commissioners.	
To ascertain and report the most suitable route for a road from the falls of the Tuskaloosa to the Tennessee,	92
To examine and report to the Governor the most eligible scite for the feat of the territorial government,	94
To select a temporary place for holding courts in Montgomery county,	56
To lay off a road from Blakeley to Fort Claiborne,	115
Divorces.	
To divorce Elizabeth Bennet from	

	PAGE
James Bennet,	7
To divorce Lucretia Dearmond from James Dearmond.	110
Emancipation.	
To authorise Honore Colin to emanci- pate his female slave Rozetta,	57
To authorise John S. Divin to emanci- pate his negro slave Robin, alias Ro- bert Long,	100
To authorise Daniel Reed to emanci- pate his mulatto slave Rofe,	109
Escheats.	
To alter and amend an act concerning Escheats.	54
Judicial Proceedings.	
For the better regulation of Judicial Proceeding..	32
Islands.	
Concerning certain Islands in the Ten- nessee River.	49
Laws and Journals.	
Concerning the distribution of the Laws and Journals.	80
Militia.	
To amend the Militia Laws and for o- ther purposes,	82
Oaths of Office	
Concerning Oaths of Office,	104
Public Roads.	
To amend the laws respecting Public Road,	4
Public Printing.	
To amend the laws concerning public printing,	2
Public Buildings.	
Further to enable the county court of	

Madison to complete the public buildings of said county.	80
Real Actions.	
Authorising the change of Venue in real actions .	58
Rodney.	
To incorporate the town of Rodney and for other purposes.	81
Relief.	
For the relief of tax collectors,	90
For the relief of James Caller,	107
Revenue.	
To amend the laws for raising a revenue Representation.	104
Extending the right of Representatio. to certain counties therein named,	102
Steam Boat	
To incorporate the St. Stepners Steam Boat Company,	50
Survivorship	
To abolish the right of survivorship in all cases.	6
Taxes.	
Entitled an act to alter the mode of assessing and collecting taxes in the counties of Washington and Montgomery	78
Usury.	
To amend an act entitled an act against. Usury,	86
Writs.	
Concerning writs of Error.	62
Concerning the style of writs,	55
Resolution authorising the Governor to draw on the Mississippi State,	113
A joint Resolution on making appropriations for the sergeant at arms.	115
Resolution for door keepers.	116